REMARKS

Claims **1-33** are pending in the application. Claims **1-33** stand rejected. Claims **1, 11, 30, and 33** have been amended. No new matter has been added.

Rejection of Claims under 35 U.S.C. §112

Claims **1-33** stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding the rejection of claims 1, 11, 21, 30, and 33 for use of the term "asset," Applicants respectfully reassert that use of the term is appropriate. Applicants respectfully submit that the claim terms take on their ordinary meaning, absent some express intent to impart a novel meaning.

The Office Action states that the term "an asset of the broadband communication network" is broad and does not specify what is being configured. "An asset of a network can include any device on the client side, such as a modem, or on the network." (See Office Action dated October 2, 2005, page 2, second paragraph of "Claim Rejections – 35 USC § 112" section.)

As previously pointed out, the Examiner appears to have had no difficulty in formulating at least one (but not necessarily the only) example of the ordinary meaning of the term "asset" given that he states that "configuring an asset of said broadband communication network" is equivalent to "updating the Management Information Database of the ATM when a configuration is selected by the user." Office Action page 4. Applicants respectfully submit that the claim term "asset" is not indefinite just because the claim term is broad, as breadth of a claim

is not to be equated with indefiniteness. In re Miller, 441 F.2d 689, 169 USPQ 597 (CCPA 1971).

Applicants respectfully point out that the language of independent claim 1 clearly indicates that at least two devices are being configured, including (1) a modem coupled to said personal computer for access to the broadband communication network, and (2) another asset of the broadband communication network. This other asset is configured to communicate with said personal computer, and thus, by the clear language of the claim, is a different asset than either the personal computer itself or the modem coupled to the personal computer. Applicants agree that the other asset may be either a client-side or a server-side device, and the choice of the term "asset of the broadband communication network" intentionally covers devices on both the client side and the server side. For example, the specification describes configuration of network hardware devices, physical network assets, as well as data and/or settings on both the client and server sides.

Furthermore, the configuration of the other asset is specifically claimed to be "performed by an automation server of the broadband communication network." Applicants respectfully submit that these additional claim limitations render the language regarding "an asset of the broadband communication network" sufficiently definite. Accordingly, independent claims 1, 11, 21, 30, and 33, and respective dependent claims 2-10, 12-20, 22-29, 31-32, and 34-37 are allowable for at least this reason.

Rejection of Claims under 35 U.S.C. §102

Claims **1-3, 7, 8, 9-13, 17-24** and **28-33** stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang et al., U.S. Patent No. 6,636,505 ("Wang"). Applicants respectfully traverse this rejection.

One of the limitations of amended claim 1 is repeated below:

> fulfilling said order by ...
>
> automatically configuring an asset of said broadband communication network to communicate with said personal computer, wherein
>
> said automatically configuring said asset is performed by an automation server of said broadband communication network

Independent claims 11, 21, 30, and 33 include substantially similar limitations.

With regard to Applicants' argument that Wang does not teach automatically configuring an asset of the broadband network, the Office Action refers the Applicant to Wang column 6, lines 45-67, which are repeated in relevant part below.

> In accordance with a preferred embodiment of the present invention, an ILMI [Integrated Local Management Interface] based automated service provisioning method is provided. The method will be described with reference to a user having an ADSL connection to the network service provider 30 which is preferred. However, this method may also be used in a xDSL or a HDSL environment. The interface, management flow, and transport between DSLAM 90, CPE [Customer Premises Equipment] 110, and network management system (not shown) are defined to support automated service provisioning of the subscribers CPE 110 when connected to the network. ...

The Office Action concludes that "[i]n this passage, the reference clearly states that service provisioning is automated." Applicants agree that *portions* of the service provisioning described in the Wang reference are automated; however, the portions described with reference to assets that *are not* the CPE 110 are described as being performed manually. Wang does not teach an automation server that automatically configures another asset of the broadband communication network to communicate with the personal computer [CPE (customer premises

equipment) 110] being configured. In fact, Wang teaches away from automatically configuring network assets other than the CPE 110. For example, Fig. 2 of Wang indicates that, in a preferred embodiment of the invention, the automatic provisioning process includes *configuration of the network for service by an engineer at the network service provider's central office*. Applicants believe that this embodiment indicates that manual configuration of network assets other than the CPE 110 is required in the system of Wang. Assets that are indicated to be configured by the engineer include network 60, the network's core ATM network 80, the service provider's Wide Area Concentrator (not shown in Fig. 2), and DSLAM 90. (See Wang, column 9, lines 23-33).

In addition, nothing in the cited portions of Wang indicates that the configuration of assets other than CPE 110 is automatically performed by a server in the broadband communication network. The actions performed for configuring the other network assets appear to be part of the manual configuration process described with reference to Fig. 2.

Additional support for the argument that an engineer / operator configures assets other than CPE 110 manually on the broadband communication network is given in the detailed service provisioning flows shown in Fig. 5. In Fig. 5, most of the network-side service-provisioning flows are initiated by the Telco Network Management System (NMS), which Applicants believe to include a user interface for the operator. For example, Wang indicates in column 7, lines 54-58 that "[i]nterfaces to Network and Service Management systems ... allow the configuration of user's services on the carrier's network while isolating the carrier's front line personnel from needing to understand the details of technologies, such as ADSL and ATM." Furthermore, the Integrated Local Management Interfaces (ILMI) management information bases (MIBs) are extended to provide the advantages of Customer Premises Equipment (CPE)

"hand free configuration, integrated service management *for the operator*, enhanced end-to-end service provisioning, and *reduced operator service overheads*." (See Wang, column 7, lines 9-15.) Applicants believe that the teachings of Wang are limited to manual configuration of network assets other than the customer premises equipment by an operator. Consequently, no teaching of configuration of other non-CPE network assets by an automation server is shown.

For at least the foregoing reasons, independent claims 1, 11, 21, 30, and 33 are allowable over Wang. Consequently, each of claims 1-33 has been shown to be allowable over Wang.

Rejection of Claims under 35 U.S.C. §103

Claims **4-6, 8 14-16** and **25-27** stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Bahlmann, U.S. Patent No. 6,684,242 ("Bahlmann"). Applicants respectfully traverse this rejection.

Each of claims 4-6, 8, 14-16 and 25-27 is a dependent claim depending from one of independent claims 1, 11, or 21. Each of independent claims 1, 11 and 21 has been shown to be allowable over the Wang reference standing alone. Consequently, claims 4-6, 8, 14-16 and 25-27 are allowable for at least the foregoing reasons.

In conclusion, claims 1-33 have been shown to be allowable for at least the foregoing reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 3, 2006.

Attorney for Applicant(s) — Date of Signature: 1/3/06

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